

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO.: 1:14-CR-6-HAB
	)	
TRAVON RUSSELL	)	

**OPINION AND ORDER**

Before the Court is Defendant Travon Russell's ("the Defendant's") letter "Requesting Respectfully to be Modified to Supervised Release" (ECF No. 101) filed on June 8, 2020. The Court construes the letter as Defendant's Second Motion for Modification of Sentence. This Motion comes on the heels of Defendant's first such motion wherein he sought compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). This Court denied Defendant's first motion on June 3, 2020. (ECF No. 100.) The same result follows with respect to this second motion.

Federal courts are limited in their ability to alter criminal sentences. Under 18 U.S.C. § 3582(c), a court "may not modify a term of imprisonment once it has been imposed" except in the circumstances set forth in that section. Defendant does not contend that a sentencing guideline warrants a reduction, as required for relief under 18 U.S.C. § 3582(c)(2); he is not eligible for relief under § 3582(c)(1)(A)(ii), which requires, among other things, that a defendant be at least 70 years of age, that he has served at least 30 years in prison on a mandatory life sentence, and that the BOP has determined that he is not a danger to the safety of any other person or the community; and this Court has previously determined that the Defendant does not qualify for a sentence reduction for "extraordinary and compelling reasons" under § 3582(c)(1)(A)(i). Thus, the only portion of § 3582 potentially applicable here is § 3582(c)(1)(B), which provides that a court "may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the

Federal Rules of Criminal Procedure." Defendant cites to no statute authorizing this Court to modify his term of imprisonment and Rule 35 has no applicability here. Accordingly, the Court has no legal basis for which to modify Defendant's sentence. Defendant's request (ECF No. 101) is therefore, DENIED.

SO ORDERED on June 10, 2020.

s/ Holly A. Brady  
JUDGE HOLLY A. BRADY  
UNITED STATES DISTRICT COURT